

Office of the Secretary of Defense

§ 337.1

otherwise be published in the FEDERAL REGISTER.

(1) In order to be eligible for incorporation by reference, the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of class affected thereby.

(2) Incorporation by reference is not acceptable as a complete substitute for promulgating in full text material required to be published by 5 U.S.C. 552.

(3) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition within the promulgated document of published information already reasonably available to the class affected. Examples include:

(i) Construction standards promulgated by a professional association or architects, engineers, or builders.

(ii) Code of ethics promulgated by professional organizations.

(iii) Forms and formats publicly or privately published and readily available to the persons required to use them.

(d) It is incumbent upon each component to review all information of the type described in paragraph (b) of this section, to insure that it is published on an up-to-date basis in the FEDERAL REGISTER, including every amendment revision, or repeal. No member of the general public can be required to resort to, or be adversely affected by, any material not published as required by the foregoing provisions of § 336.5 unless he has actual and timely notice of the content of that material.

[40 FR 4911, Feb. 3, 1975. Redesignated at 41 FR 27074, July 1, 1976, and further redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 336.6 Petitions.

Each component shall accord any interested person the right to petition for the issuance, amendment, or repeal of a regulation that originates or would originate, for the Department of Defense or that component, a policy, requirement, or procedure coming within the scope of § 336.4. Any such petition shall be given full and prompt consideration by the component charged with the responsibility for

issuing such a regulation. The petitioner shall be advised in writing of the disposition, and the reason for the disposition, of any written petition for the issuance, amendment, or repeal of a regulation. The official responsibility for disposition of the petition may at his absolute discretion, grant the petitioner a right to appear for the purpose of supporting his petition if this is compatible with the orderly conduct of public business.

[40 FR 4911, Feb. 3, 1975. Redesignated at 41 FR 27074, July 1, 1976, and further redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 336.7 Effective date and implementation.

This part becomes effective on February 1, 1975, but is applicable only to the regulations promulgated under the authority of a component after April 1, 1975. Two copies of implementing regulations shall be forwarded to the General Counsel of the Department of Defense on or before April 1, 1975.

[40 FR 4911, Feb. 3, 1975. Redesignated at 41 FR 27074, July 1, 1976, and further redesignated at 56 FR 64482, Dec. 10, 1991]

PART 337—AVAILABILITY OF DoD DIRECTIVES, DoD INSTRUCTIONS, DoD PUBLICATIONS, AND CHANGES

Sec.

337.1 Ordering DoD Directives, DoD Instructions, and Changes.

337.2 Ordering DoD Publications.

AUTHORITY: 10 U.S.C. 133, 31 U.S.C. 483a.

§ 337.1 Ordering DoD Directives, DoD Instructions, and Changes.

DoD Directives, DoD Instructions, and changes published in Chapter 2—Number Index section of DoD 5025.1-I, “DoD Directives System Annual Index” (except those issuances identified as classified) are available to the public and Government Agencies, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone 703-487-4650.

[55 FR 27225, July 2, 1990. Redesignated and amended at 56 FR 64482, Dec. 10, 1991]